

Serial No. 10/603,016
Applicant: Kunkel et al.
Response dated June 15, 2004
Attorney Docket No.: 1-707

Remarks

Rejection of Claims 1, 7, 8, 10, and 11 under 35 U.S.C. 102(b).

Claims 1, 7, 8, 10, and 11 were rejected under 35 U.S.C. 102(b) as being anticipated by Simmons et al. 4,739,580.

The examiner states that Simmons discloses a portable table with a platform and comprising: a portable table (10), insulating surface (14), a platform (12) with a bottom (20), a lower vertical wall (11) that extends upward from the bottom, a ledge (15), pivoting legs (64) secured to the platform and furthermore discloses an ice table for maintaining chilled food and consisting of an opening for draining melted ice.

Claim 1 is drawn to a cooler for keeping foods chilled that includes a bottom wall and a side wall, the side and bottom walls defining an interior compartment to hold ice. The bottom wall has a surface facing the interior compartment, the surface sloping downwardly from the side wall to a low point of the surface whereby melt water from ice in the cooler compartment flows by gravity along the bottom wall surface to the low point.

A drain extends through the thickness of the bottom wall to discharge melt water from the cooler compartment. The drain has an inlet and an outlet, the drain inlet opening at the low point of the bottom wall surface to receive melt water and the drain outlet below the bottom wall to discharge melt water from the cooler.

The cooler includes supporting means for supporting the bottom wall off the ground wherein the drain outlet is spaced above the

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ground such that the drain outlet is accessible from below the bottom wall and can completely discharge melt water without tipping or further raising the cooler.

Simmons discloses a cooler having a bottom and a lower vertical wall 11 that defines an interior compartment. A horizontal platform 38 divides the compartment into an upper first section 36 and a bottom second section 40. The bottom section 40 includes a threaded orifice 58 that extends through vertical wall 11.

Bottom wall 20 does not include a downwardly sloping surface that slopes to a low point of the surface, and a drain extending through the thickness of the bottom wall to discharge melt water as recited in Applicant's claim 1.

Based on the foregoing, reconsideration and withdrawal of the 102(a) rejection of claim 1 based on Simmons are respectfully requested.

Applicant submits that independent claim 1 is not anticipated by the art of record, including the art relied upon in the 102(b) rejections and the other art cited by the examiner.

Applicant's claimed cooler has a drain that extends through the bottom wall of the cooler. As recited in Applicant's specification "... the bottom drain permits placing the sides of adjacent like coolers immediately adjacent the cooler 10 to save space", specification, page 7, lines 8-9.

Serial No. 10/603,016
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Simmons discloses a cooler that drains through the side of the cooler. This requires there be some clearance along a side of the cooler when draining the cooler. Hence Simmons does not teach or suggest the advantage of a bottom drain as claimed.

Richmond et al. 6,085,535 discloses a container defined by side walls and a bottom wall. A drain tube 52 extends through the bottom wall. However, Richmond does not teach or suggest the bottom wall have a sloping surface that slopes to a low point of the surface, and a drain extending through the bottom wall and having an inlet opening at the low point as recited in claim 1.

Conclusion.

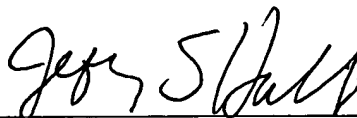
Applicant respectfully submits that application is in condition for allowance.

Respectfully submitted,

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